Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of 2018 Quadrennial Regulatory Review — Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996	MB Docket No. 18-349

COMMENTS OF THE AMERICAN TELEVISION ALLIANCE

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SUMMARY

The American Television Alliance urges the Commission not to relax or eliminate the duopoly rule's "top-four prohibition," which generally prohibits a single entity from owning two or more top-rated broadcast stations in a market. Moreover, the Commission should eliminate loopholes used to evade the prohibition, which undermine the public-interest goals the rule is designed to achieve. It should also examine the extent to which broadcasters employ "sidecar" sharing arrangements to evade the ownership rules. As demonstrated below, these steps are necessary to protect consumers. When a single entity is permitted to own or control multiple stations in a market, it is consumers who ultimately shoulder the resulting burden of ever-increasing retransmission consent fees and reduced availability of free over-the-air signals.

First, it is premature to consider further relaxing the rule. Only seventeen months have passed since the Commission permitted individual stations to seek an exception by showing that the top-four prohibition should not apply to them. The Commission did so because it believed that the top-four prohibition remained necessary but might have prevented combinations that served the public interest. Since then, the Commission has had relatively little opportunity to administer the new rule, and we are aware of no evidence that the new rule has failed to achieve its stated objectives.

Second, further relaxation of the prohibition would result in even more dramatic increases in consumer prices that stem from retransmission consent. Broadcasters have argued that retransmission consent rates are set by the "free market" and therefore the Commission should ignore retransmission consent issues entirely in this proceeding. ATVA disagrees:

- In this proceeding, the Commission has undertaken to weigh *all* of the costs and benefits of changes to the top-four prohibition. This undertaking comports with multiple statutory directives, including the very statutory section that mandates periodic review of the local-media-ownership rules.

- Consumer price increases rank among the principal public-interest harms the Commission seeks to avoid.

- Where loopholes already permit so-called top-four duopolies, triopolies, and even quadropolies, the record evidence overwhelmingly demonstrates that they increase retransmission consent prices. This evidence includes:

    - Commission rulemaking and merger precedent.

    - Department of Justice findings.

    - Analyst statements.

    - Broadcaster conduct, such as transferring network affiliations from full-power stations to low-power stations, which harms over-the-air viewers and can best be explained if countervailing economic benefits such as higher retransmission consent prices would result.

Relaxing or eliminating the top-four prohibition will lead to consumers paying more for services that are the same as what they have now. We are aware of no countervailing evidence that the existing rule is precluding combinations that would benefit the public interest. We are thus unaware of any evidentiary basis upon which the Commission could modify the rule.

Indeed, the evidence suggests that, rather than relax the top-four prohibition, the Commission should focus on eliminating loopholes in the existing rules. Broadcasters can, through these loopholes, create top-four duopolies, triopolies, or quadropolies—either through ownership of low-power or Class A stations or by placing highly-rated network content on multicast feeds. The Commission once believed the use of these loopholes would be limited to special circumstances, such as in small markets with fewer than four full-power stations. They have become far more common, however, with changes in technology and with broadcasters increasingly seeking to maximize revenues from retransmission consent at the expense of their prior commitment to free, over-the-air service. The Commission should close these loopholes and has ample authority to do so.

The Commission should also investigate the extent to which "sidecar" sharing arrangements have been used to evade the top-four prohibition. In the aftermath of the *Sinclair-Tribune* proceeding, Tribune confirmed what ATVA members have long suspected: that such arrangements are used to "effectively control all aspects of station operations, including advertising sales and the negotiation of retransmission agreements with cable and satellite operators." Tribune Compl. at 8-9, discussed in Part IV. We believe that this is true of many sharing arrangements, not just those employed by Sinclair. We urge the Commission to examine whether this is the case. In doing so, it could provide useful guidance to all parties—including broadcasters—about the outer limits of lawful conduct under such arrangements.

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The American Television Alliance ("ATVA") hereby comments on the most recent Notice of Proposed Rulemaking ("*Notice*") seeking input on the Commission's Quadrennial Review of local-media-ownership rules.[1] These comments relate exclusively to the duopoly rule's "top-four prohibition," which generally prohibits broadcasters from owning two or more stations that rank among the top four in a designated market area ("DMA"). As discussed below, that prohibition remains entirely "necessary in the public interest as the result of competition."[2] Indeed, as explained in these comments, the increasing use of loopholes to evade the prohibition

1 *2018 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Notice of Proposed Rulemaking, FCC No. 18-179, MB Docket No. 18-349, ¶ 44 (rel. Dec. 13, 2018) ("*Notice*").

2 Telecommunications Act of 1996, Pub. L. No. 104-104, § 202(h), 110 Stat. 56, 111-12 (1996) (1996 Act); Consolidated Appropriations Act, 2004, Pub. L. No. 108-199, § 629, 118 Stat. 3, 99-100 (2004) (Appropriations Act) (amending Sections 202(c) and 202(h) of the 1996 Act). In 2004, Congress revised the then-biennial review requirement to require such reviews quadrennially. *See* Appropriations Act § 629, 118 Stat. at 100.

harms competition and threatens the public interest. Rather than loosening or eliminating the top-four prohibition, we urge the Commission to eliminate the loopholes used to evade it, and to investigate whether broadcasters employ "sidecar" sharing arrangements to violate the Commission's rules.

ARGUMENT

I. IT IS PREMATURE FOR THE COMMISSION TO FURTHER RELAX THE TOP-FOUR PROHIBITION.

The Commission only recently relaxed the top-four prohibition, allowing broadcasters to apply to own two top-four stations in a market on a case-by-case basis.[3] When the Commission did so, it concluded that the top-four prohibition continued to be supported by arguments and data in the record. But the Commission expressed concern that the former bright-line rule could prohibit some top-four combinations that do not present public-interest harms, or that may offer potential public-interest benefits that outweigh any potential harms.[4] Under the revised rules, broadcasters can apply for exceptions to the general prohibition against top-four duopolies, provided they can demonstrate that the benefits of granting the exception outweigh the harms.[5] The Commission, in other words, has already addressed any over-inclusiveness that the previous bright-line rule may have yielded, while recognizing that the rule itself remains necessary.

In the seventeen months since the Commission adopted this approach, no evidence has surfaced to indicate that the new rule has failed to meet the Commission's stated objectives. Nor

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[3] *2014 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 et al.*, Order on Reconsideration and Notice of Proposed Rulemaking, 32 FCC Rcd. 9802, 9836-39 ¶¶ 78-82 (2017) ("*2017 Recon. Order*").

[4] *Id*. at 9837 ¶ 79.

[5] *Id*. at 9839 ¶ 82.

are we aware of any record evidence suggesting that the rule, as modified, has prevented the formation of top-four duopolies that would have benefited the public interest. Accordingly, it would be premature for the Commission to relax the top-four prohibition.

II. THE COMMISSION SHOULD MAINTAIN THE TOP-FOUR PROHIBITION.

As the Commission re-examines the top-four prohibition, only one conclusion is possible: It should leave this prohibition intact and should close existing loopholes that have permitted broadcasters to evade it. To begin with, and contrary to the arguments of broadcasters, the Commission should weigh all of the costs and benefits as it considers this rule. Decades of precedent teach that the Commission's top concern in its public-interest analyses should be to determine whether a transaction or policy will harm consumers by leading to higher prices.[6] And overwhelming evidence demonstrates that top-four duopolies lead to higher retransmission consent rates, which in turn lead to higher subscriber bills.

Conversely, the record contains no evidence of potential benefits from further relaxing the rule. The rule already permits top-four duopolies if broadcasters can show that they would serve the public interest.

A. The Commission Weighs All Harms Against Benefits in Considering Changes to the Local-Media-Ownership Rules.

In previous comments, broadcasters have argued that the Commission should ignore retransmission consent issues entirely when examining local ownership issues. Broadcasters assert that whatever rates they charge invariably serve the public interest because they are

6 *See* Part II.B, below, and cases cited therein.

determined by the "free market."[7] They have even described higher retransmission consent rates as a *benefit* of relaxing the top-four prohibition.[8] This cabined view of the legal standard runs counter to the Commission's precedent (including in this proceeding) and plain statutory directives.

The Commission correctly set out its task in the *Notice* in this proceeding: "compar[ing] the benefits and costs associated with retaining, modifying, or eliminating the Local Television Ownership Rule, including the Top-Four Prohibition."[9] The Commission thus asks questions about exactly how it should engage in such balancing.[10] Nowhere does it suggest limiting the scope of such balancing.[11] That is unsurprising, since, in establishing the Office of Economic Analysis, the Commission has reinforced its focus on cost-benefit analysis for rulemakings.[12]

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7 *See* Applicants' Consolidated Opposition to Petitions to Deny, MB Docket No. 17-179, at 27-31 (filed Aug. 22, 2017) (expressing Sinclair and Tribune's view of the proper legal standard).

8 *See, e.g.*, Consolidated Opposition to Petitions to Deny and Comments of Nexstar Media Group, Inc. and Tribune Media Company, MB Docket No. 19-30, at 25 (filed Apr. 2, 2019) (describing retransmission consent price increases as a benefit of the proposed transaction).

9 *Notice* ¶ 75.

10 *Id.*

11 Thus, the Commission cannot ignore retransmission consent by focusing on "diversity, localism, and competition"—three factors that have traditionally informed its public-interest analysis in broadcasting. As explained in more detail below, repealing the top-four prohibition would result in higher prices to consumers precisely because it would decrease competition among top-four broadcasters in retransmission consent negotiations.

12 *Establishment of the Office of Economics and Analytics*, Order, FCC No. 18-7, MD Docket No. 18-3 at 1 (rel. Jan. 31, 2018). Chairman Pai promised that the new office would "conduct a rigorous cost-benefit analysis for rulemakings estimated to have over $100 million of economic impact" and hoped that it would "reignit[e] the culture of big-picture policy thinking that used to be so common among economists at the FCC." *Id.*, Statement of Chairman Pai at 10. "Far from rejecting the public interest standard," Chairman Pai argued, the Office's "cost-benefit analysis allows us to intelligibly apply it." *Id.* at 11.

This view of the Commission's responsibility corresponds with multiple statutory directives. In carrying out its obligations under Section 202(h) of the Telecommunications Act to determine whether its broadcast-ownership rules remain in the public interest, the Commission must apply the same "'plain public interest' standard" that it applies in administering the Communications Act generally—for example, in reviewing a merger or in deciding whether to adopt a regulation in the first place.[13] As the Third Circuit has explained, that means the Commission must evaluate whether its existing regulations remain "useful," "convenient," or "appropriate"—just as it would in any other regulatory proceeding.[14] The Commission's "plain public interest" standard, in turn, explicitly contemplates weighing all relevant costs against all relevant benefits. The Commission will approve mergers, for example, only where the proposed transaction would serve "the public interest, convenience, and necessity."[15] This analysis rests on the weighing of claimed benefits of the proposed transaction against any potential public-interest harms.[16]

More broadly, the Administrative Procedure Act ("APA") requires the Commission to engage in reasoned decisionmaking,[17] which requires an agency to consider all "relevant

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13 *Prometheus Radio Project v. FCC* ("*Prometheus I*"), 373 F.3d 372, 392 (3d Cir. 2004) (citations omitted).

14 *Id.* at 391. This review process is not a "one-way ratchet," *id.* at 394, and there is no presumption in favor of repealing a regulation. Indeed, if the Commission reasonably determines that the public interest calls for a more stringent regulation, it must modify the regulation accordingly. *Id.* at 394.

15 47 U.S.C. § 310(d); *AT&T Inc. and DIRECTV*, 30 FCC Rcd. 9131, ¶ 2 (2015) ("*AT&T and DIRECTV*").

16 *Media Gen., Inc. and Nexstar Media Grp., Inc.*, 32 FCC Rcd. 183, ¶ 19 (2017).

17 *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 52 (1983) (reversing agency decision to rescind a regulation).

factors."[18] This requires an agency to consider the relative costs and benefits of a regulation.[19] The Supreme Court recently examined the "reasoned decisionmaking" standard in a case involving statutory language strikingly similar to that governing this Quadrennial Review: a requirement that the EPA regulate power plants only where doing so was "appropriate and necessary."[20] The Court held that in making that determination, the agency needed to consider both the costs and benefits of the regulation, noting that "reasonable regulation ordinarily requires paying attention to the advantages *and* the disadvantages of agency decisions."[21] The Court emphasized that "an agency may not 'entirely fai[l] to consider an important aspect of the problem' when deciding whether regulation is appropriate."[22]

B. Consumer Price Increases Are an Acknowledged "Harm."

Any evaluation of the harms and benefits from relaxing the top-four prohibition should involve analyzing the effect such a change would have on consumer prices. The Commission has repeatedly recognized that consumer price increases constitute a public-interest harm.

For example, in 2014 the Commission prohibited joint retransmission consent negotiations among non-commonly owned top-four broadcasters because it found: "the harms

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[18] *Michigan v. EPA*, 135 S.Ct. 2699, 2706 (2015).

[19] *Cooling Water Intake Structure Coal. v. U.S. EPA*, 905 F.3d 49 (2d Cir. 2018).

[20] *Michigan*, 135 S.Ct. at 2706.

[21] *Id.* at 2707.

[22] *Id.* at 2707 (alterations in original) (citations omitted). And while *Michigan v. EPA* involved enacting a new regulation, the same standard applies when deciding whether to repeal or modify an existing regulation. *Motor Vehicle Mfrs. Assn. of U.S.*, 463 U.S. at 41 ("The agency's action in promulgating such standards therefore may be set aside if found to be 'arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.' We believe that the rescission or modification of an occupant protection standard is subject to the same test.") (internal citations omitted).

from joint negotiation [in terms of increased retransmission consent fees] outstrip any efficiency benefits identified and that *such negotiation on balance hurts consumers*."[23] The Commission made this determination despite broadcaster claims that they would invest revenues from retransmission consent prices in a way that would allegedly serve the public interest.[24]

Similarly, consumer price increases are an important "public interest harm" considered by the Commission in reviewing transactions.[25] In fact, as the Commission has recognized, the possibility that a transaction will *decrease* retail prices serves as a powerful public-interest

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[23] *Joint Negotiation Order* ¶ 10 (internal citations omitted) (emphasis added).

[24] *Id.* ¶ 17 ("But artificially higher retransmission rates do increase input costs for MVPDs, and anticompetitive harm can be found at any level of distribution. Nor is the possibility that supra-competitive retransmission consent fees derived from joint negotiation might enable broadcasters to invest in higher quality programming, as some parties assert, a valid basis for permitting an anticompetitive arrangement that generates those fees. We reject the suggestion that the public interest is served merely because an arrangement generally increases the funds available to broadcasters, if that arrangement otherwise is anticompetitive and potentially harmful to consumers.").

[25] *See, e.g.*, *Echo Star Commc'ns Corp., Gen. Motors Corp. and Hughes Elecs. Corp.*, 17 FCC Rcd. 20,559, ¶ 169 (2002) ("*EchoStar HDO*") ("[The evidence] strongly suggests that, in the absence of any significant savings in marginal cost, the merger will result in a large increase in post-merger equilibrium prices. Given this likelihood, we cannot find that the Applicants have met their burden of demonstrating that the proposed merger will produce merger-specific public interest benefits of the magnitude the Applicants allege."); *XM Satellite Radio Holdings Inc. and Sirius Satellite Radio Inc.*, 23 FCC Rcd. 12348, ¶ 6 (2008) ("We also conclude that, absent Applicants' voluntary commitments and other conditions discussed below, the proposed transaction would increase the likelihood of harms to competition and diversity. As discussed below, assuming a satellite radio product market, Applicants would have the incentive and ability to raise prices for an extended period of time."); *Adelphia Commc'ns Corp., Time Warner Cable Inc., and Comcast Corp.*, 21 FCC Rcd. 8203, ¶ 116 (2006) ("[W]e find that the transactions may increase the likelihood of harm in markets in which Comcast or Time Warner now hold, or may in the future hold, an ownership interest in RSNs, *which ultimately could increase retail prices for consumers* and limit consumer MVPD choice. We impose remedial conditions to mitigate these potential harms.") (emphasis added).

benefit.[26] Consistent with this longstanding precedent, the Commission has not hesitated to reject or condition transactions where retransmission consent-related harms outweighed claimed benefits.[27]

C. The Evidence Shows that Top-Four Duopolies Lead to Higher Consumer Prices.

Broadcasters today increasingly use various loopholes to transmit more than one top-four network in a single local market. The Commission can thus look to evidence in the record about the effects of such combinations. That evidence, from a variety of sources, overwhelmingly confirms that consumer prices go up where top-four duopolies exist. If a broadcaster can threaten to black out multiple networks at once, it has more ability to generate consumer anger and to apply pressure to accept higher prices and less favorable terms. The result: the duopoly, triopoly, or quadropoly broadcaster can command higher prices than those without such combinations—and broadcasters with multiple such combinations can command the highest prices of all. ATVA members and other MVPDs generally pass through some or all

[26] *AT&T and DIRECTV* ¶ 4 ("We find that the combined AT&T-DIRECTV will increase competition for bundles of video and broadband, which, in turn, will stimulate lower prices, not only for the Applicants' bundles, but also for competitors' bundled products—benefiting consumers and serving the public interest.").

[27] *See, e.g.*, *Gen. Motors Corp. & Hughes Elecs. Corp.*, 19 FCC Rcd. 473, ¶ 201 (2004) ("We find that News Corp. currently possesses significant market power in the DMAs in which it has the ability to negotiate retransmission consent agreements on behalf of local broadcast television stations. Local broadcast station programming is highly valued by consumers, and entry into the broadcast station market is difficult. Moreover, we conclude that, absent conditions, News Corp.'s acquisition of DirecTV will enhance this market power, which could result in several public interest harms. To prevent such harms, we will impose conditions that are discussed below.") (internal citations omitted); *Comcast Corp., Gen. Elec. Co. & NBC Universal, Inc.*, 26 FCC Rcd. 4238, ¶ 46 (2011) (likewise imposing conditions where merger would result in "post-vertical integration price increases" in retransmission consent).

retransmission consent price increases, in many cases through consumer line-items—meaning that retransmission consent price increases almost always result in consumer price increases.[28]

1. Prior Commission Analysis

In 2014, the Commission prohibited joint retransmission consent negotiations among same-market, non-commonly owned top-four broadcasters—conduct analogous to top-four duopolies with respect to retransmission consent. In making this determination, the Commission cited evidence that joint negotiation by top-four stations in the same market increased retransmission consent prices by 20 percent (or, in some cases, as high as 43 percent).[29] It found:

> Because same market, Top Four stations are considered by an MVPD seeking carriage rights to be at least partial substitutes for one another, their joint negotiation prevents an MVPD from taking advantage of the competition or substitution between or among the stations to hold retransmission consent payments down. The record also demonstrates that joint negotiation enables Top Four stations to obtain higher retransmission consent fees because the threat of simultaneously losing the programming of the stations negotiating jointly gives those stations undue bargaining leverage in negotiations with MVPDs. This leverage is heightened because MVPDs may be prohibited from importing out-of-market broadcast stations carrying the same network programming as the broadcast stations at issue in the negotiations.[30]

Of course, the harms to consumers caused by joint negotiation and joint ownership of top-four stations are precisely the same. If a broadcaster can increase prices when it negotiates on behalf of two non-commonly owned top-four stations in a market, it can increase prices when it owns two top-four stations in that market and negotiates for both.[31]

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[28] Comments of the American Television Alliance, MB Docket No. 15-216 (filed Dec. 1, 2015) ("ATVA Totality of the Circumstances Comments").

[29] *Joint Negotiation Order* ¶ 16 n.66.

[30] *Id.* ¶ 13 (internal citations omitted).

[31] *See* Letter from Michael Nilsson to Marlene Dortch, MB Docket No. 15-216 *et al.*, at 3 n.13 (filed Nov. 3, 2017) (citing economic studies).

Since 2014, nothing has happened to change that conclusion. Indeed, as explained below, more recent evidence confirms that retransmission consent fees rise when a single entity owns two top-four stations in the same market.

2. Recent Department of Justice Actions

The Department of Justice has repeatedly recognized that top-four duopolies increase retransmission fees. In 2016, for example, it sued to enjoin a proposed merger between Nexstar and Media General because the transaction would have created top-four duopolies in several markets.[32] As part of its rationale for challenging the merger, DOJ concluded that "the loss of competition between the Nexstar and Media General stations . . . would likely lead to an increase in retransmission fees in those markets and, because increased retransmission fees typically are passed on to consumers, higher MVPD subscription fees."[33] The parties ultimately entered a consent decree requiring divestitures.

Similarly, in December 2018, just one day after the Commission released its *Notice*, DOJ filed suit challenging a merger between Gray and Raycom that would have created top-four duopolies in nine markets. DOJ concluded that these top-four duopolies likely would have caused a "loss of competition" resulting in "an increase in retransmission consent fees charged to MVPDs, much of which would be passed through to subscribers . . . ."[34] Gray and Raycom

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32 Competitive Impact Statement at 9, *United States v. Nexstar Broad. Grp., Inc. et al*, No. 1:16-cv-01772-JDB (D.D.C. Sept. 2, 2016), ECF Dkt. No. 3.

33 *Id.*

34 Competitive Impact Statement at 2, *United States v. Gray Television, Inc. et al*, No. 1:18-cv-02951-CRC (D.D.C. Dec. 14, 2018), ECF Dkt. No. 3 ("Gray-Raycom CIS"); *see also Joint Negotiation Order* ¶ 13 ("Because same market, Top Four stations are considered by an MVPD seeking carriage rights to be at least partial substitutes for one another, their joint negotiation prevents an MVPD from taking advantage of the competition or substitution between or among the stations to hold retransmission consent payments down. The record

subsequently agreed to a consent decree requiring divestitures to eliminate the top-four duopolies.

3. Analyst Statements

Several analysts and other observers also continue to confirm that the creation of top-four duopolies increases consumer prices. Paul Gallant of Cowen Washington Research Group, for example, has described the relaxation of the Commission's ownership rules as having "the potential for an improved retrans trajectory from dual ownership of two must-have TV stations."[35] Similarly, David Wilkerson and Jonathan Guilford from Acuris have explained that owning a top-four duopoly "add[s] to [a broadcaster's] negotiating strength with pay-TV operators who must pay fees to retransmit the stations' signals."[36] And SNL Kagan has noted that "station groups in smaller markets with multiple Big Four broadcast affiliations could attract even higher rates" than other stations.[37]

4. Broadcaster Conduct

Perhaps the best evidence that top-four duopolies lead to higher consumer prices is the conduct of broadcasters themselves. Broadcasters have taken numerous actions that, as far as we

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also demonstrates that joint negotiation enables Top Four stations to obtain higher retransmission consent fees because the threat of simultaneously losing the programming of the stations negotiating jointly gives those stations undue bargaining leverage in negotiations with MVPDs. This leverage is heightened because MVPDs may be prohibited from importing out-of-market broadcast stations carrying the same network programming as the broadcast stations at issue in the negotiations.") (internal citations omitted).

[35] Paul Gallant, Positive Outlook for Broadcast TV M&A—But Courts & Grassroots Are Important (Jan. 19, 2017).

[36] David B. Wilkerson & Jonathan Guilford, *Proposed TV Rule Change Could Power M&A*, Forbes (Aug. 18, 2017), https://www.forbes.com/sites/mergermarket/2017/08/18/proposed-tv-rule-change-could-power-ma/#7c817b686e1e.

[37] Mike Farrell, *Kagan: Retrans Fees to Reach $11.6B by 2022*, Multichannel News (Mar. 28, 2018), https://www.multichannel.com/news/kagan-retrans-fees-reach-116b-2022-406026.

can ascertain, make sense economically only if top-four duopolies enable them to raise retransmission consent prices.

LPTV. ATVA members report that some broadcasters have moved top-four programming from full-power to low-power stations, resulting in top-four duopolies, triopolies, and quadropolies. When these switches occur, over-the-air viewers lose signals, and broadcasters lose some of their audience.[38] Broadcasters would not normally go out of their way to reduce their audiences. The most plausible explanation for this conduct is the presence of countervailing economic benefits, such as higher retransmission consent fees.[39]

Likewise, some broadcasters have moved top-four programming from primary feeds to multicast feeds. When these switches occur, some over-the-air viewers may also find it more difficult to access programming. Again, we believe that broadcasters would not impose this inconvenience on over-the-air viewers in the absence of countervailing economic benefits, such as increased retransmission consent fees.

Apollo Global Management. The proposed purchase of Northwest Broadcasting and Cox by a Wall Street investment-fund manager, Apollo Global Management,[40] also demonstrates that top-four duopolies allow broadcasters to charge higher retransmission consent prices. Northwest Broadcasting is a relatively small station group with a high number of duopolies—and one "quadropoly" in Mississippi. Because it controls multiple top-four networks within these

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[38] *See* Letter from Michael Nilsson, to Marlene Dortch, GN Docket No. 16-142, at 1 (filed Sep. 29, 2017).

[39] Part III below explains why the Commission should eliminate these loopholes entirely.

[40] *Media Bureau Establishes Pleading Cycle for Applications to Transfer Control of NBI Holdings, LLC, and Cox Enterprises, Inc., to Terrier Media Buyer, Inc., and Permit-But-Disclose Ex Parte Status for the Proceeding*, Public Notice, DA No. 19-275, MB Docket No. 19-98 (rel. Apr. 10, 2019).

markets, it can (1) charge among the highest retransmission consent rates in the country; and (2) insist on including particularly aggressive "after-acquired station clauses" in its contracts with MVPDs.[41] Apollo Global Management seeks to purchase Northwest Broadcasting and then purchase Cox so that Cox's contracts will "reset" to Northwest Broadcasting's higher rates. As a report on the acquisition noted: "According to multiple sources, Apollo is going to use the 'after-acquired' clauses in its retrans contracts to immediately boost retrans fees for all the Cox stations . . . . [s]o, what Apollo is really buying from Northwest is not TV stations . . .; it's buying [Northwest's] retrans contracts."[42] This plan makes sense in large part because Northwest can charge higher rates than others, and Northwest can do that because it offers multiple sets of top-four programming in many local markets.

D. We Are Aware of No Evidence of Countervailing Benefits of Eliminating the Top-Four Prohibition.

While relaxing the top-four prohibition would plainly cause harms, we are aware of no evidence that doing so would produce countervailing benefits. Indeed, to the extent that there are situations where permitting a top-four duopoly would be in the public interest, the rule already allows broadcasters to apply for permission to hold a top-four duopoly on a case-by-case basis. Hence, at least in the absence of new evidence, any purported benefits of relaxing the rule do not outweigh the harms described above.

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41 Letter from Mary Lovejoy to Marlene Dortch, MB Docket No. 18-349 *et al.* (filed Mar. 25, 2019).

42 Harry A. Jessell, *Musings About Apollo-Cox-Northwest-Nexstar*, TVNewsCheck (Feb. 25, 2019), https://tvnewscheck.com/article/top-news/230791/musings-apollo-cox-northwest-nexstar/.

III. THE COMMISSION SHOULD CLOSE LOOPHOLES AND ELIMINATE EXCEPTIONS TO THE TOP-FOUR PROHIBITION.

The Commission should not only retain the top-four prohibition, but also close the two loopholes referenced in Part II, which undermine the prohibition's very purpose. While use of these loopholes was once rare, their use has expanded as retransmission consent revenues have become more important to broadcasters. The loopholes cause harm by increasing prices to consumers and disenfranchising over-the-air viewers. The Commission possesses ample authority to close the loopholes and should do so in this proceeding.

A. The Commission Should Close the Multicast and Low-Power Loopholes.

The top-four prohibition generally forbids a single entity from owning, operating, or controlling two top-four television stations in the same market. It does not, however, address control of two top-four network affiliates on multicasts of a single station.[43] Nor do the rules count same-market low-power or Class A stations for purposes of this prohibition.[44] Thus, broadcasters can obtain top-four duopolies, triopolies, or quadropolies by placing an additional top-four network on multicast feeds, or by moving top-four network programming to a commonly owned low-power station. And they can do so without public-interest review by the Commission.

Broadcasters' use of both the "multicast loophole" and the "low-power loophole" have expanded far beyond any original intended purposes. When the Commission first adopted local ownership limits, there was no need to worry about a "multicast loophole" because at that time it was not possible for a single station to broadcast content from more than one network

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[43] 47 C.F.R. § 73.3555(b)(ii).

[44] 47 C.F.R. § 74.732(b).

simultaneously. After the digital transition and advances in compression technology made multicasting possible on the same 6 MHz channel, the Commission declined to close the loophole because it believed that multicast duopolies would occur primarily or exclusively in smaller markets that had fewer than four full-power stations.[45] Yet that prediction turned out to be incorrect: Multicast duopolies occur in a substantial number of markets with at least four full-power stations.

Similarly, when the Commission originally exempted LPTVs from its local ownership rules, it did so because it feared that applying the rule might cause spectrum to "lie fallow" in rural markets where "only one entrepreneur would be willing to operate."[46] The Commission predicted that the "potential of undue concentration" through lower power stations was "remote."[47] When the Commission first imposed its local ownership rules, moreover, retransmission consent did not exist, and MVPD carriage was limited.[48] Thus, broadcasters had little incentive to use these loopholes and every incentive to maximize over-the-air viewership.

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45 *2014 Quadrennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules And Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Second Report and Order, 31 FCC Rcd. 9864, ¶ 72 n.198 (2016) ("*2014 Review*") ("Indeed, considering the marketplace conditions that tend to give rise to dual affiliations, prohibiting dual affiliation with more than one Big Four network could result in some Big Four networks becoming unavailable over the air in certain markets because there are not enough commercial television stations to accommodate each Big Four network in these markets.").

46 *An Inquiry Into the Future Role of Low Power Television Broadcasting and Television Translators in the National Telecommunications System*, Report and Order, BC Docket No. 78-253, 47 F.R. 21468, 21488 ¶¶ 88, 92, 94 (1982) ("*LPTV Order*").

47 *Id.*

48 *See, e.g.*, *Amendment of Sections 73.35, 73.240, and 73.636 of the Commission's Rules Relating to Multiple Ownership of Standard, FM and Television Broadcast Stations*, 45 F.C.C. 1476 (1964) (prohibiting common ownership of television stations with intersecting Grade B contours).

Times have changed. Today, most viewers receive broadcast programming through MVPDs, and retransmission consent fees account for tens of billions of dollars in revenue (in some cases more than thirty percent of a broadcaster's total revenues).[49] Broadcasters thus now have a powerful incentive to employ these loopholes to maximize retransmission consent revenue—and to employ them far outside of the small and rural markets where the Commission once anticipated their use.

Broadcasters are increasingly using these loopholes to control multiple top-four networks within local markets, thereby broadening their leverage in retransmission consent negotiations. We have identified 110 instances of duopolies, triopolies, or quadropolies formed by using the multicast or low-power loophole.[50] In many markets, broadcasters combine both loopholes in order to obtain triopolies or even quadropolies. Nor are these limited to small markets with fewer than four full-power stations: broadcasters employ these loopholes in top-100 markets such as Albuquerque-Santa Fe; Chattanooga; Honolulu; South Bend-Elkhart; and Springfield, Missouri.[51] As discussed above, Northwest Broadcasting controls all four top-rated networks in Greenville, Mississippi.

Part II(C) above describes the principal harm that use of these loopholes has caused: The creation of top-four duopolies leads to dramatic increases in retransmission consent rates and therefore consumer prices. Yet these are not the only harms. As discussed above, use of these loopholes involves the purposeful degradation of service for those over-the-air viewers who

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[49] Jan Dawson, *Retransmission Fees Are on the Rise, But How Long Will It Last?*, Variety (June 3, 2016), https://variety.com/2016/voices/columns/retransmission-fees-on-rise-1201785968/.

[50] *See* Exhibit A. Counsel to ATVA have prepared this exhibit using data from SNL Kagan.

[51] *Id.*

either cannot receive low-power stations or find it harder to access multicast feeds. To take perhaps the most egregious example, we understand that some broadcasters have sold full-power stations and transferred those stations' network programming to low-power stations, thereby creating top-four duopolies, triopolies, or quadropolies, even though the coverage areas of the low-power stations are significantly smaller. Even for those customers who are still able to receive these signals (and for MVPDs who carry the station) the signal quality of the low power stations can sometimes be unstable, making viewing harder. Abandonment of over-the-air viewers in pursuit of retransmission consent dollars, moreover, conflicts with the broadcasters' stated role as unique stewards of the public interest and calls into question continued broadcast claims on valuable spectrum for which they have never paid.[52]

To prevent these harms, the Commission should close both loopholes. First, it should prevent a station in a market with four or more full- or low- power television stations from multicasting two or more sets of top-four programming. Second, it should eliminate the exemption of low-power television stations from its top-four prohibition, except in markets without four or more full- or low-power stations.

With respect to the multicast loophole, we believe that closing it entirely is a better solution than the *Notice's* proposal to aggregate *ratings* of all multicast streams for purposes of the ownership rules.[53] Aggregating ratings has some uses, including potentially making it more

52 National Association of Broadcasters, *114th Congress Broadcasters' Policy Agenda* (Jan. 26, 2015), https://www.nab.org/documents/advocacy/NAB2015BroadcastersPolicyAgenda.pdf ("2015 Policy Agenda") ("Radio and television broadcasters serve their local communities in remarkable ways each and every day. Broadcasters are the men and women uniquely tied to the people they serve—they are committed not only to innovation, but also to serving the public interest. They are the radio and TV stations that support our nation's democratic ideals . . . . There is no substitute for broadcasters' service to their local communities . . . .").

53 *Notice* ¶ 63.

difficult for a station to acquire a third or fourth top-rated network feed. Yet it does not address the underlying problem, which is evasion of the top-four prohibition in the first place.

B. The Commission Has Authority to Close These Loopholes.

The Commission has authority to close the two loopholes used to evade the top-four prohibition. Closing these loopholes is consistent with the Commission's 2016 order banning affiliate swaps—another loophole that broadcasters had used to evade the top-four prohibition. It is also permitted under the Commission's plenary authority over the network-licensee relationship.

1. Closing Loopholes Is Consistent with the Commission's 2016 Order Banning Affiliate Swaps.

The Commission's 2016 order banning affiliate swaps demonstrates that it has authority to prohibit conduct designed to evade the top-four prohibition. In the 2016 order, the Commission banned "affiliate swaps," a loophole used in similar ways. In an affiliate swap, "an owner of a top-four station and a non-top-four ranked station can create a prohibited duopoly by swapping the affiliation of its previously non-top-four ranked station for a top-four network affiliation, thus turning the second station into a top-four station in a market without opportunity for Commission review."[54]

Opponents of a ban on affiliate swaps argued that it would amount to "an unlawful interference in the network affiliation marketplace" and impermissible content regulation, but the Commission rejected these arguments. It explained that banning affiliate swaps was consistent with its statutory authority because:

> [W]e are merely closing a potential loophole and preventing circumvention of the Commission's rules. . . . [so] parties can achieve through an affiliation swap the same result as a transfer of control or assignment of license, which would be

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[54] *2014 Review* ¶ 45.

> subject to Commission review and be required to comply with the Local Television Ownership Rule. Accordingly, absent our action today, parties could utilize affiliation swaps to achieve a result otherwise prohibited by the Local Television Ownership Rule.[55]

Thus, the Commission concluded that it had statutory authority, affirmed by the U.S. Supreme Court, to ban affiliate swaps based on the same general rulemaking authority that supports all of its broadcast ownership rules.[56]

The same reasoning applies here: Like affiliate swaps, the multicasting and low-power loopholes are methods of evading the top-four prohibition. The Commission's statutory authority and the Commission's own precedent allow it to close these loopholes.

2. Closing the Loopholes Is Also Consistent with the Commission's Longstanding Plenary Authority over the Network-Licensee Relationship.

More generally, the Commission has long recognized its plenary authority to regulate the relationship between broadcast licensees and networks, and this authority further supports closing the loopholes here. The Commission relied on this authority as early as its 1941 Report on Chain Broadcasting, in which it found that it could regulate a station's contractual relations

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55 *Id.* ¶ 47 n.122 (citations omitted).

56 *Id.* (citing *FCC v. Nat'l Citizens Comm. for Broad.*, 436 U.S. 775, 793-94 (1978) (holding that Section 303(r) and Section 4(i) of the Communications Act, 47 CFR §§ 153(i), 303(r), provide authority for ownership rules restricting same-service ownership as well as newspaper-broadcast cross-ownership); *id.* at 796 ("[S]o long as the regulations are not an unreasonable means for seeking to achieve these [public-interest] goals, they fall within the general rulemaking authority recognized in the *Storer Broadcasting* and *National Broadcasting* cases."); see also *United States v. Storer Broad. Co.*, 351 U.S. 192, 202-03 (1956) ("The challenged [multiple ownership] Rules contain limitations against licensing not specifically authorized by statute. But that is not the limit of the Commission's rulemaking authority. 47 U.S.C. § 154(i) and § 303(r), 47 U.S.C.A. §§ 154(i), 303(r), grant general rulemaking power not inconsistent with the Act or law."); *Nat'l Broad. Co. v. United States*, 319 U.S. 190, 219 (1943) ("In the context of the developing problems to which it was directed, the Act gave the Commission not niggardly but expansive powers.")).

with a network.[57] In that report, the Commission rejected the notion that licensees' contractual relationships with networks are business practices that are exempt from regulation and concluded that "[i]f a licensee enters into a contract with a network organization which limits his ability to make the best use of the radio facility assigned to him, he is not serving the public interest."[58] The Commission specifically found that it could issue rules of general applicability governing the network-affiliate relationship, citing 47 U.S.C. §§ 303(f), 303(r), and 154(j).[59] Moreover, it also invoked its explicit statutory authority to regulate "chain broadcasting"[60] under Section 303(i), concluding that "[n]o language could more clearly cover what we are doing here."[61]

Subsequent rules adopted by the Commission underscore this plenary authority. For example, the "dual network rule," which was adopted in 1941 and extended to television in 1946,[62] demonstrates the Commission's clear authority to regulate the networks with which a broadcaster may affiliate. The version of the rule in effect from 1946 to 1996 flatly prohibited a broadcaster from affiliating with a single company that owns two or more networks.[63] The current version, contained at 47 C.F.R. § 73.658(g), is less strict but still limits network

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57 *Report on Chain Broadcasting* ch. VIII, FCC Order No. 37, Docket No. 5060 (May 1941), *available at* https://earlyradiohistory.us/1941cb08.htm.

58 *Id.* § VIII.A.1.

59 *Id.* § VIII.A.2.

60 "Chain broadcasting" refers to network broadcasting. *See id.* § Int.C ("Chain Broadcasting is defined in section 3(p) of the Communications Act of 1934 as the 'simultaneous broadcasting of an identical program by two or more connected stations.'").

61 *Id.* § VIII.B.

62 *Amendment of Section 73.658(g) of the Commission's Rules – The Dual Network Rule*, Report and Order, 16 FCC Rcd. 11114, ¶ 2 (2001).

63 *Id.* ¶¶ 2, 4.

affiliation by broadcasters. In particular, it still prevents a station from affiliating with a single company that owns two or more of the four largest networks.

Apart from directly regulating network affiliations, the Commission also has long regulated the network-affiliate relationship by stating that "[n]o license shall be granted to a television broadcast station" whose contracts contain certain provisions.[64] Through these regulations, the Commission regulates network-affiliate contractual provisions—even if those contractual provisions do not involve a transfer of control.

The courts have also repeatedly upheld this authority. The Supreme Court affirmed the chain broadcasting rules in *NBC v. United States*, 319 U.S. 190 (1943). It explained that Congress had "endowed the Communications Commission with comprehensive powers to promote and realize the vast potentialities of radio."[65] The Court emphasized that "[t]he report of the Senate Committee on Interstate Commerce, which submitted this amendment, stated that under the bill the Commission was given 'complete authority [] to control chain broadcasting.'" *Id.* at 220.[66]

IV. THE COMMISSION SHOULD INVESTIGATE THE EXTENT TO WHICH BROADCASTERS USE SIDECARS AS VEHICLES TO VIOLATE THE COMMISSION'S OWNERSHIP RULES.

Even when a broadcaster does not formally own multiple top-four stations, recent evidence suggests that they may surreptitiously be causing the same kind of harm that would be possible from common ownership through the use of "sidecar" sharing arrangements. The Commission should investigate broadcaster use of sidecars to evade the top-four prohibition.

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64 *See* 47 C.F.R. § 73.658(a)-(e), (h)-(i).

65 *NBC v. United States*, 319 U.S. 190, 217 (1943).

66 *See also Mt. Mansfield Television v. FCC*, 442 F.2d 470 (2d Cir. 1971) (upholding the "prime time access," "financial interest," and "syndication rules").

The *Sinclair-Tribune* proceeding confirmed a fact that MVPDs have maintained for years: Broadcasters use sidecars to maintain control of putatively independent stations, even while assuring the Commission they are not doing so, and even where such control is prohibited by the Commission's rules. In subsequent litigation, Tribune has described these sidecars as follows:

> Sinclair would effectively control all aspects of station operations, including advertising sales and the negotiation of retransmission agreements with cable and satellite operators.[67] Under these proposed arrangements, Sinclair would continue to reap the lion's share of the economic benefits of the stations it was purportedly "divesting" and would have an option to repurchase the stations in the future.[68]

An industry observer cast such arrangements even more starkly, describing shared services and joint sales agreements "which broadcasters have used for years to set up sidecars and operate top four duopolies, all with the blessing of the FCC."[69]

A recent lawsuit against Nexstar Broadcasting raises further questions about whether broadcasters are using these sidecars to control stations that are supposed to be divested. The lawsuit alleges that Nexstar, which was required to divest several stations to Marshall Broadcasting Group ("MBG"), a small, minority-owned company, in order to receive Commission approval for a larger transaction, nevertheless has continued to control those

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[67] Complaint at 8-9 ¶ 18, *Tribune Media Co. v. Sinclair Broad. Grp., Inc.*, No. 2018-0593 (Del. Ch. Aug. 9, 2018); *see also id.* ¶ 105.

[68] *Id.*

[69] Harry A. Jessell, *Who Put The DOJ In Charge of Broadcast Regs?*, TVNewsCheck (Feb. 4, 2019), https://tvnewscheck.com/article/229676/put-doj-charge-broadcast-regs/ (emphasis added).

stations through a number of means, including JSAs and SSAs.[70] According to the Complaint, Nexstar assured the Commission that the divested stations would act independently but "structured the transaction in a manner that makes it impossible for MBG to operate freely."[71] Moreover, according to the complaint, Nexstar "has consistently interfered with MBG's operations."[72] Specifically, the complaint alleges that Nexstar:

- has "falsely communicated to the market—including potential advertisers—that Nexstar continues to own" the divested stations and that it has interfered with MBG's programming and sales matters;[73]
- has "refused to pay MBG sales staff advertising sales commissions to which they are entitled";[74]
- has "moved MBG executives and staff to small, makeshift offices, making it impossible for MBG to operate its stations effectively";[75] and
- refused "to include MBG in critical discussions affecting MBG's operations, sales, and financing."[76]

As a result of these actions, the complaint alleges, Nexstar "enjoys effective control over" the divested stations.

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70 Complaint, *Marshall Broad. Grp., Inc. v. Nexstar Broad., Inc.* (N.Y. Apr. 3, 2019)*, available at* https://iapps.courts.state.ny.us/fbem/DocumentDisplayServlet?documentId=_PLUS_bHDz0aG2Uxb1P1s05nC2g==&system=prod.

71 *Id.* ¶ 47.

72 *Id.*

73 *Id.* ¶ 55.

74 *Id.*

75 *Id.*

76 *Id.*

Further, ATVA members believe that broadcasters may be using these arrangements to share competitive and sensitive information with one another, including information about retransmission consent arrangements, in violation of the prohibition on joint negotiation within a market.[77] Sidecars could also be used as vehicles to operate top-four duopolies in violation of the local-ownership rules, to the extent they give a third party significant influence over the divested station's finances, personnel, and programming, the traditional indicia of control employed by the Commission.[78] Indeed, stations involved in these arrangements often share accounting services and require that MVPDs remit retransmission consent payments to the same entity for both stations, thereby exposing stations to sensitive information of stations with whom they are supposed to be competing and putting MVPDs at a disadvantage in negotiating.

The Commission can and should provide additional guidance about such arrangements. In its proposed merger with Tribune, Sinclair apparently believed (and still believes) its sidecar agreements did not give it unlawful control of the station in question. All parties would benefit

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[77] *Joint Negotiation Order* ¶ 27 (amending rules to prohibit "any informal, formal, tacit or other agreement and/or conduct that signals or is designed to facilitate collusion regarding retransmission terms or agreements between or among . . . broadcast television stations that are not commonly owned and that serve the same DMA"). The Commission replaced its original joint negotiation rules after Congress enacted its own version of the rule in STELAR, which is not limited to top-four combinations. 47 C.F.R. § 76.65(b)(1)(viii) (prohibiting joint negotiation among non-common broadcasters within a single local market). The Commission described the new version as "broader than, and thus supersed[ing], the Commission's [then-] existing prohibition." *Implementation of Sections 101, 103 and 105 of the STELA Reauthorization Act of 2014*, Order, 30 FCC Rcd. 2380, ¶ 4 (2015). We thus understand the new rule to encompass the prior rule's prohibition on information sharing.

[78] *Stereo Broadcasters*, 87 F.C.C.2d 87, ¶ 29 (1981); *see also, e.g.*, *News International PLC*, 97 F.C.C.2d 349, ¶ 20 (1984) (describing finances, personnel, and programming as "the three most important factors in determining control"); 47 C.F.R. § 73.3555 Note 2 (specifying that time brokerage and joint sales agreements, respectively, must leave stations with ultimate control over "facilities including, specifically, control over station finances, personnel and programming").

from Commission guidance about the boundary between lawful sharing arrangements and unlawful transfers of control. Such guidance should make clear that sharing arrangements may not be used to facilitate joint negotiation, and, more specifically, that any sharing of information about retransmission rates or contract terms (including expiration dates) is prohibited. Likewise, the Commission should make clear that it is inappropriate for broadcasters to demand that MVPDs make payments to parties other than the licensee (or its owner). This practice—which Sinclair, Nexstar and others regularly employ—allows supposedly independent stations to share sensitive pricing information that is highly relevant to retransmission consent negotiations, thereby facilitating anti-competitive price signaling among competitors.

CONCLUSION

Multiple statutes and the Commission's own precedent direct it to weigh the harms and benefits of any relaxation of the top-four prohibition. Any such weighing should account for the harm to consumers caused by the higher retransmission consent prices that top-four duopolies will charge. Based on a fair weighing of these harms against the purported benefits, the Commission should retain the top-four prohibition in its current form and close the low-power and multicast loopholes that allow broadcasters to evade ownership rules. Last, the Commission should investigate the use of sidecars by broadcasters to (1) control stations that they otherwise would not be able to control or (2) share sensitive pricing information.

Respectfully submitted,

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April 29, 2019

EXHIBIT A:

Duopolies, Triopolies, and Quadropolies Using Multicast or Low Power Loopholes

Exhibit A: Duopolies, Triopolies, and Quadropolies Using Multicast or Low-Power Stations*

Entry Number	Station Facility ID	Type	Primary Network Affiliation	Digital Multicast Network(s) (ABC, CBS, NBC, and FOX only)	Ultimate Parent	TV Market	Market Rank	>3 full power stations	Multicast	Low Power
1	WALB - 70713	Digital Full Power Television	NBC (US)	NBC (US), ABC (US)	Gray Television, Inc.	Albany, GA	152	X	X	
2	KBIM-TV - 48556	Digital Full Power Television	CBS (US)	CBS (US), FOX (US)	Nexstar Media Group, Inc.	Albuquerque-Santa Fe, NM	47	X	X	
	KREZ-TV - 48589	Digital Full Power Television	CBS (US)	CBS (US), FOX (US)	Nexstar Media Group, Inc.	Albuquerque-Santa Fe, NM	47			
	KRQE - 48575	Digital Full Power Television	CBS (US)	CBS (US), FOX (US)	Nexstar Media Group, Inc.	Albuquerque-Santa Fe, NM	47			
3	KALB-TV - 51598	Digital Full Power Television	NBC (US)	NBC (US), CBS (US)	Gray Television, Inc.	Alexandria, LA	179	X	X	
4	WBKB-TV - 67048	Digital Full Power Television	CBS (US)	CBS (US), FOX (US), ABC (US)	Lake Superior Community Broadcasting Corporation	Alpena, MI	208		X	
5	WRDW-TV - 73937	Digital Full Power Television	CBS (US)	CBS (US),	Gray Television, Inc.	Augusta-Aiken, GA-SC	105	X		X
	WAGT-CD - 3369	Digital Class A Television	NBC (US)	NBC (US)	Gray Television, Inc.	Augusta-Aiken, GA-SC	105			
6	KBAK-TV - 4148	Digital Full Power Television	CBS (US)	CBS (US), FOX (US)	Sinclair Broadcast Group, Inc.	Bakersfield, CA	122	X	X	
7	WVII-TV - 3667	Digital Full Power Television	ABC (US)	ABC (US), FOX (US)	Rockfleet Broadcasting Inc.	Bangor, ME	155	X	X	
	WFVX-LD - 15287	Digital Low Power Television	FOX (US)	FOX (US), ABC (US)	Rockfleet Broadcasting Inc.	Bangor, ME	155			
8	KBMT - 10150	Digital Full Power Television	ABC (US)	ABC (US), NBC (US)	TEGNA Inc.	Beaumont-Port Arthur, TX	140	X	X	
9	KTVZ - 55907	Digital Full Power Television	NBC (US)	NBC (US), FOX (US)	News-Press and Gazette Company	Bend, OR	186		X	

*Based on data from Kagan, a division of S&P Global Market Intelligence. The Kagan data was fully updated on October 15, 2018, but may have been updated post publication.

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10	KOHD - 166534	Digital Full Power Television	ABC (US)	ABC (US)	Telephone and Data Systems, Inc.	Bend, OR	186			X
	KBNZ-LD - 35384	Digital Low Power Television	CBS (US)	CBS (US)	Telephone and Data Systems, Inc.	Bend, OR	186			
11	WLOX - 13995	Digital Full Power Television	ABC (US)	ABC (US), CBS (US)	Gray Television, Inc.	Biloxi-Gulfport, MS	156		X	
12	WXXV-TV - 53517	Digital Full Power Television	FOX (US)	FOX (US), NBC (US)	Morris Multimedia, Inc.	Biloxi-Gulfport, MS	156		X	
13	WIVT - 11260	Digital Full Power Television	ABC (US)	ABC (US), NBC (US)	Nexstar Media Group, Inc.	Binghamton, NY	160	X	X	
14	WVNS-TV - 74169	Digital Full Power Television	CBS (US)	CBS (US), FOX (US)	Nexstar Media Group, Inc.	Bluefield-Beckley-Oak Hill, WV	163	X	X	
15	WBKO - 4692	Digital Full Power Television	ABC (US)	ABC (US), FOX (US)	Gray Television, Inc.	Bowling Green, KY	181	X	X	
16	WNKY - 61217	Digital Full Power Television	NBC (US)	NBC (US), CBS (US)	Marquee Broadcasting Inc.	Bowling Green, KY	181	X	X	
17	KWYB - 14674	Digital Full Power Television	ABC (US)	ABC (US), FOX (US)	Cowles Company	Butte-Bozeman, MT	185	X	X	
18	KGWC-TV - 63177	Digital Full Power Television	CBS (US)	CBS (US), ABC (US)	Mark III Media, Inc.	Casper-Riverton, WY	198	X	X	
	KGWL-TV - 63162	Digital Full Power Television	CBS (US)	CBS (US), ABC (US)	Mark III Media, Inc.	Casper-Riverton, WY	198			
	KGWR-TV - 63170	Digital Full Power Television	CBS (US)	CBS (US), ABC (US)	Mark III Media, Inc.	Casper-Riverton, WY	198			
19	KFNE - 21613	Digital Full Power Television	FOX (US)	FOX (US), ABC (US)	Wyomedia Corporation	Casper-Riverton, WY	198	X	X	
	KFNR - 21612	Digital Full Power Television	FOX (US)	FOX (US), ABC (US)	Wyomedia Corporation	Casper-Riverton, WY	198			

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20	WVAW-LD - 4687	Digital Low Power Television	ABC (US)	ABC (US)	Gray Television, Inc.	Charlottesville, VA	183		X	X
	WCAV - 363	Digital Full Power Television	CBS (US)	CBS (US), FOX (US)	Gray Television, Inc.	Charlottesville, VA	183			
	WAHU-CD - 47705	Digital Class A Television	FOX (US)	FOX (US)	Gray Television, Inc.	Charlottesville, VA	183			
21	WTVC - 22590	Digital Full Power Television	ABC (US)	ABC (US), FOX (US)	Sinclair Broadcast Group, Inc.	Chattanooga, TN	83	X	X	
22	KGWN-TV - 63166	Digital Full Power Television	CBS (US)	CBS (US), NBC (US)	Gray Television, Inc.	Cheyenne-Scottsbluff, WY-NE	197	X	X	
	KSTF - 63182	Digital Full Power Television	CBS (US)	CBS (US), NBC (US)	Gray Television, Inc.	Cheyenne-Scottsbluff, WY-NE	197			
	KNEP - 17683	Digital Full Power Television	NBC (US)	ABC (US), NBC (US)	Gray Television, Inc.	Cheyenne-Scottsbluff, WY-NE	197			
23	KLWY - 40250	Digital Full Power Television	FOX (US)	FOX (US), ABC (US)	Wyomedia Corporation	Cheyenne-Scottsbluff, WY-NE	197	X	X	
24	WBOY-TV - 71220	Digital Full Power Television	NBC (US)	NBC (US), ABC (US)	Nexstar Media Group, Inc.	Clarksburg-Weston, WV	170	X	X	
25	KMIZ - 63164	Digital Full Power Television	ABC (US)	ABC (US), FOX (US)	News-Press and Gazette Company	Columbia-Jefferson City, MO	136	X	X	
26	WTVA - 74148	Digital Full Power Television	NBC (US)	NBC (US), ABC (US)	USA Television Holdings LLC	Columbus-Tupelo-West Point-Houston, MS	133	X	X	
27	WTVY - 4152	Digital Full Power Television	CBS (US)	CBS (US), NBC (US)	Gray Television, Inc.	Dothan, AL	173		X	
28	KRII - 82698	Digital Full Power Television	MyNetworkTV (US)	NBC (US), CBS (US)	Quincy Media, Inc.	Duluth-Superior, MN-WI	144	X	X	
	KBJR-TV - 33658	Digital Full Power Television	NBC (US)	NBC (US), CBS (US)	Quincy Media, Inc.	Duluth-Superior, MN-WI	144			

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29	WENY-TV - 71508	Digital Full Power Television	ABC (US)	ABC (US), CBS (US)	Lilly Broadcasting, LLC	Elmira (Corning), NY	176	X	X	
30	WEVV-TV - 72041	Digital Full Power Television	CBS (US)	CBS (US), FOX (US)	Bayou City Broadcasting Evansville, Inc.	Evansville, IN	103	X	X	
31	KTVF - 49621	Digital Full Power Television	NBC (US)	NBC (US), CBS (US)	Gray Television, Inc.	Fairbanks, AK	202	X	X	
32	KVLY-TV - 61961	Digital Full Power Television	NBC (US)	NBC (US), CBS (US)	Gray Television, Inc.	Fargo, ND	117	X	X	
33	KFTA-TV - 29560	Digital Full Power Television	FOX (US)	FOX (US), NBC (US)	Nexstar Media Group, Inc.	Ft. Smith-Fayettville-Springdale-Rodgers, AR	101	X	X	
	KNWA-TV - 29557	Digital Full Power Television	NBC (US)	NBC (US), FOX (US)	Nexstar Media Group, Inc.	Ft. Smith-Fayettville-Springdale-Rodgers, AR	101			
34	WPTA - 73905	Digital Full Power Television	ABC (US)	ABC (US), NBC (US)	Quincy Media, Inc.	Ft. Wayne, IN	104	X	X	
35	KXGN-TV - 24287	Digital Full Power Television	CBS (US)	CBS (US), NBC (US)	Glendive Broadcasting Corporation	Glendive, MT	210		X	
36	KJCT-LP - 128473	Digital Low Power Television	ABC (US)	ABC (US)	Gray Television, Inc.	Grand Junction-Montrose, CO	187	X		X
	KKCO - 24766	Digital Full Power Television	NBC (US)	NBC (US)	Gray Television, Inc.	Grand Junction-Montrose, CO	187			
37	KFQX - 31597	Digital Full Power Television	FOX (US)	FOX (US), CBS (US)	Mission Broadcasting, Inc.	Grand Junction-Montrose, CO	187	X	X	
38	KREY-TV - 70579	Digital Full Power Television	CBS (US)	CBS (US), FOX (US)	Nexstar Media Group, Inc.	Grand Junction-Montrose, CO	187	X	X	
39	KFBB-TV - 34412	Digital Full Power Television	ABC (US)	ABC (US), FOX (US)	Cowles Company	Great Falls, MT	192	X	X	

Exhibit A: Duopolies, Triopolies, and Quadropolies Using Multicast or Low-Power Stations

Entry Number	Station Facility ID	Type	Primary Network Affiliation	Digital Multicast Network(s) (ABC, CBS, NBC, and FOX only)	Ultimate Parent	TV Market	Market Rank	>3 full power stations	Multicast	Low Power
40	KRTV - 35567	Digital Full Power Television	CBS (US)	CBS (US)	EPI Group, LLC	Great Falls, MT	192	X		X
	KTGF-LD - 128063	Digital Low Power Television	NBC (US)	NBC (US)	EPI Group, LLC	Great Falls, MT	192			
41	WABG-TV - 43203	Digital Full Power Television	ABC (US)	ABC (US), FOX (US)	NBI Holdings, LLC	Greenwood-Greenville, MS	193		X	X
	WNBD-LD - 181137	Digital Low Power Television	NBC (US)	NBC (US), CBS (US)	NBI Holdings, LLC	Greenwood-Greenville, MS	193			
42	WHSV-TV - 4688	Digital Full Power Television	ABC (US)	ABC (US), CBS (US)	Gray Television, Inc.	Harrisonburg, VA	175		X	X
	WSVF-CD - 190915	Digital Class A Television	FOX (US)	FOX (US), CBS (US)	Gray Television, Inc.	Harrisonburg, VA	175			
43	WDAM-TV - 21250	Digital Full Power Television	NBC (US)	NBC (US), ABC (US)	Gray Television, Inc.	Hattiesburg-Laurel, MS	168		X	
44	KHBB-LD - 34413	Digital Low Power Television	ABC (US)	ABC (US), FOX (US)	Cowles Company	Helena, MT	205		X	
45	KXLH-LD - 168401	Digital Low Power Television	CBS (US)	CBS (US)	EPI Group, LLC	Helena, MT	205			X
	KTVH-DT - 5290	Digital Full Power Television	NBC (US)	NBC (US)	EPI Group, LLC	Helena, MT	205			
46	KIFI-TV - 66258	Digital Full Power Television	ABC (US)	ABC (US)	News-Press and Gazette Company	Idaho Falls-Pocatello (Jackson), ID-WY	161	X	X	X
	KXPI-LD - 28231	Digital Low Power Television	FOX (US)	CBS (US), FOX (US)	News-Press and Gazette Company	Idaho Falls-Pocatello (Jackson), ID-WY	161			
47	KIDK - 56028	Digital Full Power Television	CBS (US)	CBS (US), FOX (US)	VistaWest Media, LLC	Idaho Falls-Pocatello (Jackson), ID-WY	161	X	X	
48	WBBJ-TV - 65204	Digital Full Power Television	ABC (US)	ABC (US), CBS (US)	Bahakel Communications, Ltd.	Jackson, TN	177		X	

Exhibit A: Duopolies, Triopolies, and Quadropolies Using Multicast or Low-Power Stations

Entry Number	Station Facility ID	Type	Primary Network Affiliation	Digital Multicast Network(s) (ABC, CBS, NBC, and FOX only)	Ultimate Parent	TV Market	Market Rank	>3 full power stations	Multicast	Low Power
49	WWCP-TV - 20295	Digital Full Power Television	FOX (US)	FOX (US), ABC (US)	Horseshoe Curve Communications, LLC	Johnstown-Altoona-State College, PA	106	X	X	
50	WATM-TV - 20287	Digital Full Power Television	ABC (US)	ABC (US), FOX (US)	Palm Television, L.P.	Johnstown-Altoona-State College, PA	106	X	X	
51	KAIT - 13988	Digital Full Power Television	ABC (US)	ABC (US), NBC (US)	Gray Television, Inc.	Jonesboro, AR	180		X	
52	KJNB-LD - 187271	Digital Low Power Television	FOX (US)	FOX (US), CBS (US)	Waypoint Media, LLC	Jonesboro, AR	180		X	
53	KOAM-TV - 58552	Digital Full Power Television	CBS (US)	CBS (US), FOX (US)	Morgan Murphy Media	Joplin-Pittsburg, MO-KS	153	X	X	
54	KTNL-TV - 60519	Digital Full Power Television	CBS (US)	CBS (US)	Qurate Retail, Inc.	Juneau, AK	207	X		X
	KUBD - 60520	Digital Full Power Television	CBS (US)	CBS (US)	Qurate Retail, Inc.	Juneau, AK	207			
	KXLJ-LD - 184508	Digital Low Power Television	CBS (US)	CBS (US)	Qurate Retail, Inc.	Juneau, AK	207			
	KATH-LD - 188833	Digital Low Power Television	NBC (US)	NBC (US)	Qurate Retail, Inc.	Juneau, AK	207			
	KSCT-LP - 15348	Analog Low Power TV and TV Translators	NBC (US)		Qurate Retail, Inc.	Juneau, AK	207			
55	KJUD - 13814	Digital Full Power Television	ABC (US)	ABC (US), FOX (US)	Vision Alaska II, LLC	Juneau, AK	207	X	X	
56	WPBI-LD - 194193	Digital Low Power Television	FOX (US)	FOX (US), NBC (US)	Waypoint Media, LLC	Lafayette, IN	188		X	
57	KADN-TV - 33261	Digital Full Power Television	FOX (US)	FOX (US), NBC (US)	Bayou City Broadcasting Lafayette, Inc.	Lafayette, LA	121	X	X	
58	KVHP - 35852	Digital Full Power Television	FOX (US)	FOX (US), ABC (US)	American Spirit Media, LLC	Lake Charles, LA	172		X	

Exhibit A: Duopolies, Triopolies, and Quadropolies Using Multicast or Low-Power Stations

Entry Number	Station Facility ID	Type	Primary Network Affiliation	Digital Multicast Network(s) (ABC, CBS, NBC, and FOX only)	Ultimate Parent	TV Market	Market Rank	>3 full power stations	Multicast	Low Power
59	KYLX-LD - 40244	Digital Low Power Television	CBS (US)	CBS (US)	Gray Television, Inc.	Laredo, TX	184		X	X
	KGNS-TV - 10061	Digital Full Power Television	NBC (US)	NBC (US), ABC (US)	Gray Television, Inc.	Laredo, TX	184			
60	WLIO - 37503	Digital Full Power Television	NBC (US)	NBC (US), FOX (US)	Block Communications, Inc.	Lima, OH	190		X	
61	WOHL-CD - 68549	Digital Class A Television	ABC (US)	ABC (US), CBS (US)	West Central Ohio Broadcasting, Inc.	Lima, OH	190		X	
62	KGIN - 7894	Digital Full Power Television	CBS (US)	CBS (US), NBC (US)	Gray Television, Inc.	Lincoln & Hastings-Kearny, NE	111	X	X	
	KOLN - 7890	Digital Full Power Television	CBS (US)	CBS (US), NBC (US)	Gray Television, Inc.	Lincoln & Hastings-Kearny, NE	111			
63	KHGI-TV - 21160	Digital Full Power Television	ABC (US)	ABC (US), FOX (US)	Sinclair Broadcast Group, Inc.	Lincoln & Hastings-Kearny, NE	111	X	X	
	KWNB-TV - 21162	Digital Full Power Television	ABC (US)	ABC (US), FOX (US)	Sinclair Broadcast Group, Inc.	Lincoln & Hastings-Kearny, NE	111			
64	WGXA - 58262	Digital Full Power Television	FOX (US)	FOX (US), ABC (US)	Sinclair Broadcast Group, Inc.	Macon, GA	118	X	X	
65	KEYC-TV - 68853	Digital Full Power Television	CBS (US)	CBS (US), FOX (US)	United Communications Corporation	Mankato, MN	199		X	
66	WLUC-TV - 21259	Digital Full Power Television	NBC (US)	NBC (US), FOX (US)	Gray Television, Inc.	Marquette, MI	182	X	X	
67	WGBC - 24314	Digital Full Power Television	FOX (US)	FOX (US), NBC (US)	Waypoint Media, LLC	Meridian, MS	191	X	X	

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Entry Number	Station Facility ID	Type	Primary Network Affiliation	Digital Multicast Network(s) (ABC, CBS, NBC, and FOX only)	Ultimate Parent	TV Market	Market Rank	>3 full power stations	Multicast	Low Power
68	KFYR-TV - 41427	Digital Full Power Television	NBC (US)	NBC (US), FOX (US)	Gray Television, Inc.	Minot-Bismarck-Dickinson (Williston), ND	146	X	X	
	KMOT - 41425	Digital Full Power Television	NBC (US)	NBC (US), FOX (US)	Gray Television, Inc.	Minot-Bismarck-Dickinson (Williston), ND	146			
	KQCD-TV - 41430	Digital Full Power Television	NBC (US)	NBC (US), FOX (US)	Gray Television, Inc.	Minot-Bismarck-Dickinson (Williston), ND	146			
	KUMV-TV - 41429	Digital Full Power Television	NBC (US)	NBC (US), FOX (US)	Gray Television, Inc.	Minot-Bismarck-Dickinson (Williston), ND	146			
69	KTMF - 14675	Digital Full Power Television	ABC (US)	ABC (US), FOX (US)	Cowles Company	Missoula, MT	164	X	X	
70	KNOE-TV - 48975	Digital Full Power Television	CBS (US)	CBS (US), ABC (US)	Gray Television, Inc.	Monroe-El Dorado, LA-AR	137	X	X	
71	KTVE - 35692	Digital Full Power Television	NBC (US)	NBC (US), FOX (US)	Mission Broadcasting, Inc.	Monroe-El Dorado, LA-AR	137	X	X	
72	KSBW - 19653	Digital Full Power Television	NBC (US)	NBC (US), ABC (US)	Hearst Corporation	Monterey-Salinas, CA	126	X	X	
73	KNPL-LD - 7891	Digital Low Power Television	CBS (US)	CBS (US)	Gray Television, Inc.	North Platte, NE	209		X	X
	KIIT-CD - 49285	Digital Class A Television	FOX (US)	FOX (US)	Gray Television, Inc.	North Platte, NE	209			
	KNOP-TV - 49273	Digital Full Power Television	NBC (US)	NBC (US), FOX (US)	Gray Television, Inc.	North Platte, NE	209			
74	KYOU-TV - 53820	Digital Full Power Television	FOX (US)	FOX (US), NBC (US)	Gray Television, Inc.	Ottumwa-Kirksville, IA-MO	200		X	
75	KTVO - 21251	Digital Full Power Television	ABC (US)	ABC (US), CBS (US)	Sinclair Broadcast Group, Inc.	Ottumwa-Kirksville, IA-MO	200		X	

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Entry Number	Station Facility ID	Type	Primary Network Affiliation	Digital Multicast Network(s) (ABC, CBS, NBC, and FOX only)	Ultimate Parent	TV Market	Market Rank	>3 full power stations	Multicast	Low Power
76	KESQ-TV - 25577	Digital Full Power Television	ABC (US)	ABC (US), CBS (US)	News-Press and Gazette Company	Palm Springs, CA	145		X	X
	KDFX-CD - 51207	Digital Class A Television	FOX (US)	FOX (US)	News-Press and Gazette Company	Palm Springs, CA	145			
77	WJHG-TV - 73136	Digital Full Power Television	NBC (US)	NBC (US), CBS (US)	Gray Television, Inc.	Panama City, FL	150	X	X	
78	WTAP-TV - 4685	Digital Full Power Television	NBC (US)	NBC (US), CBS (US), FOX (US)	Gray Television, Inc.	Parkersburg, WV	194		X	
79	WEEK-TV - 24801	Digital Full Power Television	NBC (US)	NBC (US), ABC (US)	Quincy Media, Inc.	Peoria-Bloomington, IL	113	X	X	
80	WAGM-TV - 48305	Digital Full Power Television	CBS (US)	CBS (US), FOX (US)	Gray Television, Inc.	Presque Isle, ME	206		X	
81	WGEM-TV - 54275	Digital Full Power Television	NBC (US)	NBC (US), FOX (US)	Quincy Media, Inc.	Quincy-Hannibal-Keokuk, IL-MO-IA	174	X	X	
82	KHQA-TV - 4690	Digital Full Power Television	CBS (US)	CBS (US), ABC (US)	Sinclair Broadcast Group, Inc.	Quincy-Hannibal-Keokuk, IL-MO-IA	174	X	X	
83	KOTA-TV - 34347	Digital Full Power Television	ABC (US)	ABC (US), FOX (US)	Gray Television, Inc.	Rapid City, SD	171	X	X	X
	KSGW-TV - 17680	Digital Full Power Television	ABC (US)	ABC (US), NBC (US)	Gray Television, Inc.	Rapid City, SD	171			
	KHSD-TV - 34348	Digital Full Power Television	ABC (US)	ABC (US), FOX (US)	Gray Television, Inc.	Rapid City, SD	171			
	KEVN-LD - 182523	Digital Low Power Television	FOX (US)	FOX (US)	Gray Television, Inc.	Rapid City, SD	171			
	KSWY-LP - 125470	Analog Low Power TV and TV Translators	NBC (US)	NBC (US)	Gray Television, Inc.	Rapid City, SD	171			

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Entry Number	Station Facility ID	Type	Primary Network Affiliation	Digital Multicast Network(s) (ABC, CBS, NBC, and FOX only)	Ultimate Parent	TV Market	Market Rank	>3 full power stations	Multicast	Low Power
84	WBOC-TV - 71218	Digital Full Power Television	CBS (US)	CBS (US), FOX (US)	Draper Communication, Inc.	Salisbury, MD	138		X	X
	WRDE-LD - 168021	Digital Low Power Television	NBC (US)	NBC (US)	Draper Communication, Inc.	Salisbury, MD	138			
85	KEYT-TV - 60637	Digital Full Power Television	ABC (US)	ABC (US)	News-Press and Gazette Company	Santa Barbara-Santa Maria-San Luis Obispo, CA	124	X		X
	KKFX-CD - 33870	Digital Class A Television	FOX (US)	FOX (US)	News-Press and Gazette Company	Santa Barbara-Santa Maria-San Luis Obispo, CA	124			
86	KCOY-TV - 63165	Digital Full Power Television	CBS (US)	CBS (US), FOX (US)	VistaWest Media, LLC	Santa Barbara-Santa Maria-San Luis Obispo, CA	124	X	X	
87	KXII - 35954	Digital Full Power Television	CBS (US)	CBS (US), FOX (US)	Gray Television, Inc.	Sherman-Ada, TX-OK	159		X	
88	KTEN - 35666	Digital Full Power Television	NBC (US)	NBC (US), ABC (US)	Lockwood Broadcast Group	Sherman-Ada, TX-OK	159		X	
89	WSBT-TV - 73983	Digital Full Power Television	CBS (US)	CBS (US), FOX (US)	Sinclair Broadcast Group, Inc.	South Bend-Elkhart, IN	99	X	X	
90	KYTV - 36003	Digital Full Power Television	NBC (US)	NBC (US), ABC (US)	Gray Television, Inc.	Springfield, MO	72	X	X	
91	WGGB-TV - 25682	Digital Full Power Television	ABC (US)	ABC (US), FOX (US)	Meredith Corporation	Springfield-Holyoke, MA	108		X	X
	WSHM-LD - 67980	Digital Low Power Television	CBS (US)	CBS (US)	Meredith Corporation	Springfield-Holyoke, MA	108			
92	KCJO-LD - 188057	Digital Low Power Television	CBS (US)	CBS (US)	News-Press and Gazette Company	St. Joseph, MO	201		X	X
	KNPN-LD - 188056	Digital Low Power Television	FOX (US)	FOX (US), CBS (US)	News-Press and Gazette Company	St. Joseph, MO	201			
	KNPG-LD - 188055	Digital Low Power Television	NBC (US)	NBC (US)	News-Press and Gazette Company	St. Joseph, MO	201			

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Entry Number	Station Facility ID	Type	Primary Network Affiliation	Digital Multicast Network(s) (ABC, CBS, NBC, and FOX only)	Ultimate Parent	TV Market	Market Rank	>3 full power stations	Multicast	Low Power
93	WTWC-TV - 66908	Digital Full Power Television	NBC (US)	NBC (US), FOX (US)	Sinclair Broadcast Group, Inc.	Tallahassee-Thomasville, FL-GA	112	X	X	
94	WTHI-TV - 70655	Digital Full Power Television	CBS (US)	CBS (US), FOX (US)	USA Television MidAmerica Holdings LLC	Terre Haute, IN	158	X	X	
95	KSNT - 67335	Digital Full Power Television	NBC (US)	NBC (US), FOX (US)	Nexstar Media Group, Inc.	Topeka, KS	141	X	X	
96	WFUP - 25395	Digital Full Power Television	FOX (US)	FOX (US), CBS (US)	Cadillac Telecasting Co.	Traverse City-Cadillac, MI	120	X	X	
97	WGTQ - 59279	Digital Full Power Television	ABC (US)	ABC (US), NBC (US)	Cunningham Broadcasting Corporation	Traverse City-Cadillac, MI	120	X	X	
	WGTU - 59280	Digital Full Power Television	ABC (US)	ABC (US), NBC (US)	Cunningham Broadcasting Corporation	Traverse City-Cadillac, MI	120			
98	WWTV - 26994	Digital Full Power Television	CBS (US)	CBS (US), FOX (US)	MICI, Inc.	Traverse City-Cadillac, MI	120	X	X	
	WWUP-TV - 26993	Digital Full Power Television	CBS (US)	CBS (US), FOX (US)	MICI, Inc.	Traverse City-Cadillac, MI	120			
99	WPBN-TV - 21253	Digital Full Power Television	NBC (US)	NBC (US), ABC (US)	Sinclair Broadcast Group, Inc.	Traverse City-Cadillac, MI	120	X	X	
	WTOM-TV - 21254	Digital Full Power Television	NBC (US)	NBC (US), ABC (US)	Sinclair Broadcast Group, Inc.	Traverse City-Cadillac, MI	120			
100	WJHL-TV - 57826	Digital Full Power Television	CBS (US)	CBS (US), ABC (US)	Nexstar Media Group, Inc.	Tri-Cities, TN-VA	102	X	X	
101	KMVT - 35200	Digital Full Power Television	CBS (US)	CBS (US), FOX (US)	Gray Television, Inc.	Twin Falls, ID	189		X	
102	WKTV - 60654	Digital Full Power Television	NBC (US)	NBC (US), CBS (US)	Heartland Media LLC	Utica, NY	169		X	
103	KAVU-TV - 73101	Digital Full Power Television	ABC (US)	ABC (US), NBC (US), CBS (US)	Morgan Murphy Media	Victoria, TX	203		X	

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Entry Number	Station Facility ID	Type	Primary Network Affiliation	Digital Multicast Network(s) (ABC, CBS, NBC, and FOX only)	Ultimate Parent	TV Market	Market Rank	>3 full power stations	Multicast	Low Power
104	WWNY-TV - 68851	Digital Full Power Television	CBS (US)	CBS (US), FOX (US)	United Communications Corporation	Watertown, NY	178	X	X	
105	WSAW-TV - 6867	Digital Full Power Television	CBS (US)	CBS (US), FOX (US)	Gray Television, Inc.	Wausau-Rhinelander, WI	134	X	X	
106	WTRF-TV - 6869	Digital Full Power Television	CBS (US)	CBS (US), ABC (US)	Nexstar Media Group, Inc.	Wheeling-Steubenville, WV-OH	162		X	
107	WTOV-TV - 74122	Digital Full Power Television	NBC (US)	NBC (US), FOX (US)	Sinclair Broadcast Group, Inc.	Wheeling-Steubenville, WV-OH	162		X	
108	WWAY - 12033	Digital Full Power Television	ABC (US)	ABC (US), CBS (US)	Morris Multimedia, Inc.	Wilmington, NC	129		X	
109	WKBN-TV - 73153	Digital Full Power Television	CBS (US)	CBS (US), FOX (US)	Nexstar Media Group, Inc.	Youngstown, OH	125	X	X	
110	KECY-TV - 51208	Digital Full Power Television	FOX (US)	FOX (US), ABC (US)	News-Press and Gazette Company	Yuma-El Centro, AZ-CA	166	X	X	